HAZARDOUS SUBSTANCES – HAZS

Overview

Within the Gore District a wide range of *hazardous substances* are used, stored, disposed of and transported as part of *commercial activity, industrial activity*, rural and domestic activities. A *hazardous substance* is any substance that is explosive, flammable, oxidising, corrosive or toxic to human health or the *environment*, or any substance that will exhibit these properties on contact with air or *water*. Without appropriate management the use, storage, disposal or transportation of *hazardous substances* can adversely affect people, communities and the *environment*.

In New Zealand, *Hazardous Substances* are managed through a variety of legislative and regulatory means, in particular the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and the Health and Safety at Work Act 2015 (HSW Act). The HSNO Act aims to protect the health and safety of people from the adverse *effects* of *hazardous substances* and new organisms. The HSW Act aims to protect people's health, safety and welfare from risks arising from work (including working with *hazardous substances*). These Acts provide a general framework for controlling and managing *hazardous substances* during their life cycle. Duplication of the HSNO & HSW Act requirements in the Plan is not efficient and does not add any effective control over *hazardous substance* management.

However, resource management issues are not considered through this other legislation, therefore, the purpose of the *Hazardous Substance* Chapter is to manage the *effects* of *hazardous substance* on *sensitive environments* and on *environments* where *sensitive activities* are located in higher densities. The *Hazardous Substances* Chapter focuses on the management of *significant hazardous facilities* where *hazardous substances* are used, stored, manufactured or disposed of in larger quantities. It is acknowledged that a s*ignificant hazardous facility* may have a positive economic benefit to the community and so should be provided for and protected against *reverse sensitivity effects* in the future. The storage and incidental use of *hazardous substances* in domestic quantities or *ancillary* to farming activities (for example) do not need to be managed through the district plan as they are fully managed through HSNO and HSW Acts.

The Natural Hazards Chapter contains rules relating to *hazardous substances* in areas of flood risk and other chapters may contain provisions which relate to *hazardous substances*. There will also be provisions in the Southland Regional Plan that are applicable.

Objective

HAZS-O1 Locate, design and operate *significant hazardous facilities* to prevent significant adverse *effects* on the health of people, the values of *sensitive environments* and <u>impacts on Ngāi Tahu cultural values ~~as~~ listed in MW-1.2.</u> ~~the underlying relationship Ngāi Tahu hold with the natural environment.~~[1]

[1] Decision 33, paragraph 4.3.7

HAZS-O2 New *sensitive activities* are located to minimise *reverse sensitivity effects* on *significant hazardous facilities* to avoid unacceptable risks to the *sensitive activity* and recognise the benefits of *significant hazardous facilities.*

Policies

HAZS-P1 [2]Manage adverse *effects* from new *significant hazardous facilities* locating in the General *Industrial* Zone ~~and~~ or *Rural Industry* Precinct by:

1. internalising *effects* through *site* layout and design, including the use of buffers;
2. locating *significant hazardous facilities* outside of, and *setback* from any waterbody or *sensitive environments* and avoiding or mitigating adverse *effects on* Ngāi Tahu cultural values listed in MW-1.2*;*
3. locating *significant hazardous facilities* outside the Mataura River Floodway ~~and all mapped district inundation areas to avoid the *effects* of *natural hazards* and protect the environment~~; ~~and~~
4. locating and designing new significant hazardous facilities to manage or avoid the risks and adverse effects from natural hazards within areas subject to a high risk of liquefaction or areas subject to Actual and Potential Inundation, including the ~~Stop~~ Flood Bank Protection Area; and

45. managing cumulative *effects* of multiple separate *significant hazardous facilities* locating in close proximity.

HAZS-P2 [3]Avoid adverse *effects* from new *significant hazardous facilities* locating outside the General *Industrial* Zone or *Rural Industry* Precinct by:

1. internalising *effects* through *site* layout and design, including the use of buffers;
2. locating *significant hazardous facilities* outside of, and *setback* from, any waterbody or *sensitive environments* and *sensitive activities;*
3. addressing adverse *effects on* Ngāi Tahu cultural values as listed in MW-1.2;
4. locating *significant hazardous facilities* outside the Mataura River Floodway and all mapped district inundation areas; and
5. managing cumulative *effects* of multiple separate *significant hazardous facilities* locating in close proximity.

HAZS-P3 Allow the extension of existing s*ignificant hazardous facilities* located outside of *sensitive environments* where the risks associated with *hazardous substance* storage, use or disposal are not increased.

[2] Decision 33, paragraph 4.4.7
[3] Decision 33, paragraph 4.5.4

HAZS-P4 Avoid new *sensitive activities* locating near *significant hazardous facilities* unless the risk of *reverse sensitivity effects* can be mitigated.

~~Notes~~[4]

~~Note 1~~	~~Rules in Other Chapters~~
	~~The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole.~~ ~~This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua.~~

Rules

HAZS-R1	Extension or upgrade to existing *significant hazardous facility*	
General Industrial Zone and PREC~~13~~12 Mataura *Rural Industry* Precinct	**Activity status:** Permitted Where: 1. The extension and/or upgrade does not alter the existing (pre-extension/upgrade) location where *hazardous substances* are stored, used or disposed of on-*site* or increase the quantity of *hazardous substances* stored, used or disposed of on-*site*. 2. The *site* is not located within a *sensitive environment*.	**Activity status where compliance is not achieved with:** **HAZS-R1(1) and HAZS-R1(2):** Discretionary
All other Zones	**Activity status:** Permitted Where: 3. The extension and/or upgrade does not alter the existing (pre-extension/upgrade) location where *hazardous substances* are stored, used or disposed of on-*site* or	**Activity status where compliance is not achieved:** **HAZS-R1(3) and HAZS-R1(4):** Non-Complying

[4] Decision 33, paragraph 4.9.1

	increase the quantity of *hazardous substances* stored, used or disposed of on-*site*. 4. The *site* is not located within a *sensitive environment*.	
HAZS-R2	**New *significant hazardous facility***	
General Industrial Zone and PREC~~13~~12 Mataura *Rural Industry* Precinct	**Activity status:** Discretionary	**Activity status where compliance is not achieved:** N/A
All other Zones	**Activity Status:** Non-Complying	
HAZS-R3	***Sensitive activities* near *significant hazardous facilities***	
All Zones	**Activity status:** Permitted Where: 1. Any *building* used by a *sensitive activity* is *setback* at least 250 metres from a *site* containing or used by a *significant hazardous facility*. Except that: (a) In the Large Lot *Residential* Zone and Rural Lifestyle Zone any *building* used by a *sensitive activity* is *setback* at least 100m from the Alliance Group Meatworks in Matuara (comprising of Section 1-3 Block VII TN of Mataura, Part Section 4 Block VII TN of Mataura).	**Activity status where compliance is not achieved:** Discretionary